

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO**

Petition for Revocation of Supervised Release

Name of Offender:	Phillip Garcia
Docket Number:	1084 1:07CR00788-001JB
Assigned Judge:	Honorable James O. Browning, United States District Judge
Date of Amended Sentence:	04/03/2020
Original Offense:	Felon in Possession of a Firearm in violation of 18 U.S.C. 922(g)(1) and 18 U.S.C. § 924(a)(2)
Original Sentence:	BOP: 173 months and 11 days or time served; TSR:3 years
Date Supervision Commenced:	04/03/2020
Date Supervision Expires:	04/02/2023
Other Court Action:	07/17/2020: Report on offender under supervision for possession of drug paraphernalia.

PETITIONING THE COURT

No warrant requested. Emergency warrant issued.

U.S. Probation Officer of the Court, Wade Miller, alleges the offender has violated the following condition(s) of supervised release.

<i>Violation Type</i>	<i>Nature of Noncompliance</i>
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<i>MC</i>	You Shall not unlawfully possess a controlled substance
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On July 18, 2020, at approximately 02:04 A.M. an officer with the Isleta Tribal Police Department was dispatched to the Isleta Casino and Resort in reference to narcotics located on the floor of the casino. Security officers for the casino indicated that a small baggie was dropped from the defendant's pocket which contained a crystal-like substance. The substance was tested with a NIK test kit, and it returned positive for methamphetamine. The defendant was issued a federal citation for possession of a controlled substance.

That same day, at approximately 8:45 P.M. the defendant was located by a concerned citizen in their driveway with his mouth open and he appeared unconscious while he was in his car. Police and medical personnel were contacted and a syringe with a brown fluid in it was observed in plain view on the right front seat of the vehicle. The brown fluid was tested, which returned presumptive positive for heroin. The defendant was arrested and charged with Possession of a Controlled Substance (felony) in violation of State of New Mexico statute 30-31-23(A), and Possession of Drug Paraphernalia (misdemeanor) in violation of State of New Mexico statute 30-31-25.1(A).

MC

You must not commit another federal, state, or local crime.

On July 18, 2020, at approximately 8:45 P.M. the defendant was located by a concerned citizen in their driveway with his mouth open and he appeared unconscious while he was in his car. Police and medical personnel were contacted and a syringe with a brown fluid in it was observed in plain view on the right front seat of the vehicle. The brown fluid was tested, which returned presumptive positive for heroin. The defendant was arrested and charged with Possession of a Controlled Substance (felony) in violation of State of New Mexico statute 30-31-23(A), and Possession of Drug Paraphernalia (misdemeanor) in violation of State of New Mexico statute 30-31-25.1(A).

The maximum statutory penalty: 2 years imprisonment; 3 years supervised release.

The revocation range of imprisonment: 21 months to 24 months.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 07/21/2020.

Submitted:

Approved:

☒ Duplicate Warrant



Wade Miller
Senior U.S. Probation Officer
Cell #: 505-238-9411

Duplicate Warrant issued

Date: 07/18/2020